

Appl. No. 10/578,210
Amdt. dated Mar. 17, 2008
Reply to Office Action of Dec. 18, 2007

REMARKS

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification

The Applicant has amended the specification to correct inadvertent spelling and grammatical errors.

Status of Claims

Claims 1-7 have been amended for clarification. Claims 8-11 have been cancelled. Claims 12-17 are new.

Rejection Under 35 USC § 102(b)

The Examiner has rejected claims 1-7 as they stood prior to this amendment, and now cancelled claims 9 and 11, under the provisions of 35 U.S.C. § 102(b) as being anticipated by the teachings of the Bajzath et al patent (U.S. Patent No. 6,144,644, issued to J. Bajzath, et al, on November 7, 2000, hereinafter "Bajzath patent"). In as much as these claims have been cancelled, this rejection is moot. For simplicity, this rejection will principally be discussed with respect to claim 1, as it now stands.

The presently claimed invention provides a system and method for logging management information associated with a call occurring in an Internet call waiting environment. Specifically, when a call occurs in such an environment, there are specific informative parameters that can be observed and recorded as a measure of the performance and execution of the Internet call waiting service. The logged data is not provided to the Internet user, but to the Internet call waiting service provider to assist the provider in efficiently managing the provided call waiting service (see Page 2, lines 13-26, and Page 6, lines 19-26 of the present specification).

The Examiner takes the position, with respect to claim 1 as it previously stood, that all of the claimed features of the Applicant's invention are disclosed by the Bajzath patent. In particular, the Examiner argues that the patent discloses a method and system for logging

management information during a call completion process in an Internet call waiting environment comprising the steps of creating a service detail record that has parameters associated with the management information, and then assigning a value to each of the parameters. With respect to claim 1 as it now stands, the Examiner's view is incorrect.

The Bajzath patent discloses a system for providing Internet call waiting service to a user when the user is actively connected with the Internet via a telephone line. More specifically, the Bajzath patent teaches a system for allowing a user to receive an incoming call without causing an interruption to the user's active Internet connection. This patent also teaches providing non-management information associated with the call, such as a call number and a caller identification, to the user during the active Internet session via a window on the user's computer terminal (see Abstract, and col. 2, lines 6-25 of the Bajzath patent).

The system of Bajzath patent implements a call waiting software application that activates when the user connects to the Internet using a telephone network (see col. 4, lines 17-31 of the Bajzath patent). Incoming calls to the user that arrive during the active Internet session may be routed to a voicemail system, or to a separate telephone number (see col. 5, lines 40-54 of the Bajzath patent). The Bajzath patent further teaches informing the user of information relating to the incoming call and/or

that a voicemail message is waiting for the user via a display on the user's computer monitor (see col. 5, line 61 - col. 6, line 6).

The Examiner asserts that the Applicant's invention functions as an Internet call waiting service, and provides call waiting information to the user of the Internet, as disclosed by Bajzath. This, most certainly, is not the case. The Applicant's invention teaches recording management information regarding the performance and execution of an Internet call waiting service and, then, providing the recorded information to the call waiting service provider. In contrast, the only information recorded by the Bajzath system is call information to be provided to the call user, such as the incoming telephone number and a caller name or other identifying data. Further, the Bajzath patent does not teach saving any management information for any reason, as taught by the Applicant. Bajzath addressed a need for a user to be able to receive an incoming telephone call without interrupting an active Internet session. This is not the focus of the Applicant's invention at all; rather, the inventive method and system address a need for an Internet call waiting service to be able to measure the efficiency and performance of the service being provided. Thus, the Applicant's invention interacts with an Internet call waiting system, and can work in tandem with an Internet call waiting service, such as the service disclosed in the Bajzath patent, but, most certainly, does not function nor act as an Internet call waiting system.

Inasmuch as the distinguishing recitations of claim 1 are not identically disclosed by the teachings of the Bajzath patent, then this claim is not anticipated by those teachings, and hence is patentable there over under the provisions of 35 USC § 102.

"A method for logging information during a call completing process in an Internet call waiting environment comprising the steps of:

creating a service detail record comprising a plurality of parameters, wherein each of the parameters relates to management information associated with the call completion process; and

assigning a value to each of the parameters of the service detail record."

Further, one of ordinary skill in the art would not be motivated to look to the Bajzath patent as either teaching or suggesting the Applicant's invention. The Bajzath patent does not record or store any type of management information regarding an Internet call for any reason, but, instead, teaches recording certain non-management call information specifically for the user of the call waiting service. The Bajzath patent neither teaches nor suggests the inventive elements of logging call management information and providing such information to the call waiting service provider - accordingly, the Applicant respectfully submits one of ordinary skill would not be motivated to extend the teachings of that patent to make the claimed invention.

Highly similar, but parallel, distinguishing recitations to those set forth in claim 1 now exist in the Applicant's new independent claim 13. Therefore, the Applicant submits that claim 13 is not anticipated by the teachings of the Bajzath patent, and is patentable under the provisions of 35 USC § 102.

Each of dependent claims 2-7 and new claim 12, and new claims 14-17, depends, directly or indirectly, from claims 1 and 13, respectively, and recites further distinguishing aspects of the present invention. Consequently, each of these dependent claims is also patentable, under the provisions of 35 USC § 102, over the teachings of the Bajzath reference for the same exact reasons set forth above with respect to claim 1.

Consequently, this rejection should be withdrawn.

Rejection Under 35 USC § 103

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over the Bajzath patent in view of the Adan et al published patent application (U.S. Publication No. 2004/0218583, published on November 4, 2004, hereinafter the "Adan application"). Since claim 10 has been cancelled and not replaced by a corresponding claim, this rejection is now moot.

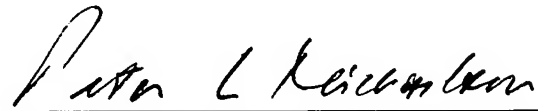
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Conclusion

Consequently, the Applicant believes that all claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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